

REMARKS

Claims 2-5, 7-12, 14, 25-43 are pending in this application.

Claims 8, 25 and 35 are independent.

The undersigned would like to express his appreciation for notice of the allowability of claims 29, 32, 38 and 41, if rewritten in independent form.

Claims 2-5, 7-12, 14, 25-43 stand rejected on the basis of non-statutory double patenting over claims 1-19 of US Patent No. 7,001,276. The rejection is respectfully traversed.

It is first respectfully noted that the Official Action does not provide any indication that an element by element comparison of the claims of the present application and those of the '276 patent has been performed. According, it is respectfully submitted that the rejection lacks the necessary support to establish a prima facie basis for the rejection, and is therefore improper on its face.

Furthermore, each of the independent claims of the '276 patent requires an upward-facing recess (for the token) that is provided on a support disposed next to a display device. It is respectfully submitted that the lack of this feature in the present application claims clearly distinguishes the subject claims from those of the '276 patent.

Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 2-3, 5, 7-10, 12, 14, 25-28, 30-31, 33-37, 39-40, and 42-43 stand rejected under 35 USC§ 103(a), as obvious over Chung et al. (US Patent No. 6,877,096). Claims 4 and 11 stand rejected under 35 USC §103(a) as obvious over Chung et al. (US 6,877,096) in view of Nakamura (US Patent No. 6,468,162). This rejection is respectfully traversed.

It is first respectfully noted that the rejection of claims 2-3, 5, 7-10, 12, 14, 25-28, 33-37 and 42-43 is omnibus in nature and lacks an element by element (or even a claim by claim) analysis. According, it is respectfully submitted that the rejection lacks the necessary support to establish a prima facie basis for the rejection, and is therefore improper on its face. However, to expedite allowance

of this application, the following addition remarks are offered.

Independent Claims 8, 25 and 35

In rejecting claims 8, 25, and 35 the examiner states that "Chung fails to disclose reading the game initial data of the respective figure when the figure with the token is set on the gaming machine. However, Applicant has not disclosed that reading the game initial data when the figure with the token is set on the gaming machine provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Chung's figure with token linked to the gaming machine, and applicant's invention, to perform equally well...because both would perform the same functions of reading the gaming initial data to the gaming machine" (See pages 4-5 of Official Action).

As understood, the Examiner acknowledges that the game character to which a token relates cannot be determined from the appearance of the token described by Chung. On the other hand, as understood, the Examiner recognizes that claims 8, 25, and 35 require the game character to which a token relates be determinable from the appearance of the form or figure to which the token is attached, since the form or figure identifies one of the game characters.

However, as understood, the Examiner does not give this distinction patentable weigh because "Applicant has not disclosed that reading the game initial data when the figure with the token is set on the gaming machine provides an advantage or solves a stated problem."

In this regard, one advantage of the present invention over the token described by Chung is that the player can recognize that the game initial data read when the form or figure with the token is set on the gaming machine is for a particular game character from the appearance of the attached form or figure. For example, if the form or figure is in the shape of "Mickey mouse", Mickey mouse's game initial data is stored in a token. Thus, the game player can easily recognize that the game initial data read when this form or figure, with the token attached, is set on the gaming machine, and will not inadvertently have the game

initial data read for Popeye when the player wanted to start a game with Mickey mouse game initial data.

Furthermore, claim 35 requires that the ICC store game initial data regarding one of a plurality of selectable characters and be attachable to a figure identifying that one character.

Additionally, according to claim 35, the game initial data is selectable from the identified character's initial data. This feature has been entirely ignored in the rejection.

Various other preferred features recited in the rejected dependent claims are believed to further distinguish over the prior art of record in this case. For example:

Claims 4 and 11

Each of claims 4 and 11 requires that the game initial data is selected randomly from a game initial data group.

It is difficult for the player to easily obtain the token in which the desired game initial data set is stored, since the data is selected at random. However, in some cases, the player may obtain the token in which the desired game initial data set is stored. As a result, the desire to obtain a token in which the desired game initial data set is stored is stimulated and the player's purchase of more tokens with built-in IC chip is encouraged.

Claims 5, 12, 31 and 40

Each of claims 5, 12, 31 and 40 require that the game initial data include a bonus data set providing, or for providing, a predetermined profit in the game. These limitations appear to have been ignored in the rejection.

It is unclear if the Examiner is asserting that "The more discs that have been introduced, the more weapons a player has access to (interpreted as a bonus incentive/profit)", as support for the rejection.

However, as noted in response to an earlier Official Action, contrary to the Examiner's previously asserted position, these claims require not just bonus data, but rather a bonus data set providing, or for providing, a predetermined profit in the game.

It is respectfully submitted that the applied Chung reference (as well as the other currently or previously applied prior art) lacks any disclosure relating to bonus data that provides or is for providing a predetermined profit in the game. Accordingly, should these claims be rejected in the next official, it is again respectfully requested that the Examiner identify with specificity exactly where within the applied prior art the required limitations are taught or suggested.

Claims 30 and 39

Claims 30 and 39 require that the game initial data include an identification code identifying the token.

The examiner states that "Chung discloses the above limitations with respect to claims 25&35, but excludes the game initial data comprising of an identification code for identifying the token. ...However, Applicant has not disclosed providing an identification code within the game data provides an advantage or solves a stated problem." (See Official Action page 5).

As understood, the Examiner acknowledges that the token described by Chung lacks game initial data which includes an identification code identifying the token, and recognizes that such a code is required by claims 30 and 39.

However, as understood, the Examiner does not give this distinction patentable weigh because "Applicant has not disclosed providing an identification code within the game data provides an advantage or solves a stated problem."

One advantage of the game initial data including an identification code identifying the token is that it enhances the ability of a supplier of the gaming machine to manage the usage of a token. For example, the supplier will be able to determine when the token is used by checking the game initial data.

Accordingly, it is respectfully requested that the prior art rejection of the claims be reconsidered and withdrawn.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No.1227.43062x00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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